

IN THE MATTER OF : BEFORE THE  
THE APPLICATION OF : COUNTY BOARD OF APPEALS  
RODNEY WAYNE DRESSLER, ET UX  
FOR A ZONING VARIANCE ON PROPERTY : OF  
LOCATED ON THE NORTHWEST SIDE PULASKI: OF  
HIGHWAY AND BERK AVENUE : BALTIMORE COUNTY  
(8350 PULASKI HIGHWAY)  
15th ELECTION DISTRICT : CASE NO. 89-422-SPHA  
6th COUNCILMANIC DISTRICT :  
:

#### OPINION

This is an appeal from an Amended Order of the Zoning Commissioner dated June 13, 1989 wherein the Petitioner's request for variance from Section 405.4.B.3.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a screening fence one (1) foot from the street right-of-way was denied.

A de novo hearing was held before the Board on March 15, 1990. The Petitioner, represented by counsel, Trent L. Seawell, Esquire, appeared and testified. The only testimony offered to the Board was that of Mr. Dressler. No protestants appeared. Deputy People's Counsel, Peter Max Zimmerman, participated in the proceedings.

The subject property is located at 8350 Pulaski Highway in Baltimore County, Maryland. It is at the intersection of Pulaski Highway, Old Philadelphia Road and Berk Avenue. The site is approximately 1/2 acre and is presently being operated as an automotive service garage. The rear portion of the lot fronts on Old Philadelphia Road. Located on the opposite side of Old Philadelphia Road are three residential properties, which directly face the rear of the subject property.

Mr. Dressler testified that he has been in the service station business for over 20 years. He purchased the subject property approximately 2 years ago. At that time, the rear of the property and to the side of the station building, there were several cabins which had been previously rented to

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motorists until 1967. Thereafter, the cabins were abandoned and fell into a state of disrepair. The trees and vegetation on the property including a hedge-row along Old Philadelphia Road were allowed to grow for a period of 20 years without any maintenance by the previous property owner. In an effort to clean up the property, Mr. Dressler removed the cabins and all of the overgrown trees and vegetation including the hedge-row. He stated that the overgrowth and cabins were all removed at the same time. The clearing of the cabins and the overgrowth could not be done separately, according to Mr. Dressler. As he stated, the trees were actually growing out of the windows and through the roofs of the cabins. The result of this clearing left the subject property clearly visible and objectionable to the residents located on the opposite side of Old Philadelphia Road. Apparently a complaint was filed with the Zoning Office, and the file reflects that several of these Protestants appeared before the Zoning Commissioner expressing their discontent with the clearing of the property and the removal of the trees and overgrowth, including the hedge along Old Philadelphia Road.

At the hearing before this Board, the only testimony received was that of Mr. Dressler. He proposes to erect an 8-foot chain link fence, 1 foot from the right-of-way line of Old Philadelphia Road and states that the fence will be in the same location as the previously removed hedge. He informs the Board that the more appropriate location of the fence is 1 foot from the right-of-way line, because of the condition of the property along Old Philadelphia Road. He testified that the effect of the screening fence would be negated if it were placed 4 feet back, because, running parallel to the road, is a drainage swale, approximately 2 feet lower than the grade of the road. The placing of the fence in this swale would result in reducing the height of the screening and

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would further collect trash and debris. Several photographs were offered by Mr. Dressler. Those photographs indicated to the Board that the subject property does drop off from the Old Philadelphia Road roadside and that the installation of the fence within this area would result in the lowering of the height of the screening. Also, Mr. Dressler testified that, if the fence were installed 4 feet back, it would be in line with a County storm drain and would not be able to be erected in a straight line. According to Mr. Dressler, placing of the fence in the drainage swale and not in a straight line would be less desirable both to him as a property owner and to the adjacent residential properties. The screening would be considerably lower and would be less effective than if placed 1 foot from the right-of-way line.

Based upon the evidence presented to this Board and the arguments advanced by counsel at the hearing, the Board finds that erecting the fence other than 1 foot from the right-of-way line does create a practical difficulty for Mr. Dressler and more importantly provides less screening benefits to the adjacent residential property owners.

The applicable zoning regulation from which the Petitioner seeks a variance is Section 405.4.B.3.a. It states:

"a. Screening shall be provided in accordance with the requirements of the Baltimore County Landscape Manual adopted pursuant to Section 22-105 of Title 22 of the Baltimore County Code. In the case of any such service station on a lot adjacent to a residential zone or residential premises, a wall(s) or fence(s) shall be constructed to screen the station and its operations from such zone or premises, but such wall(s) or fence(s) shall not be situated closer than six feet to any street right-of-way. Notwithstanding other provisions of these regulations, no rear or side yard shall be required on the lot of a service station so screened at the rear or side, respectively, if such a wall or fence is provided in lieu thereof, and the rear or side wall of the service station building may serve as a portion of such wall or fence. All surfaces of

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such walls or fences facing residential zones or premises shall be finished and in the discretion of the Zoning Commissioner, vine-covered or otherwise improved by the use of planting immediately adjacent thereto. (Bills No. 40, 1967; No. 31, 1984)."

It is clear from a reading of Section 405 that the intent of the regulations is to insure adequate and property screening of service stations from adjoining residential properties. However, this Board, as well as the Zoning Commissioner for Baltimore County, has authority to grant area variances from regulations where the spirit and intent of the regulation is observed and the public safety and welfare is secured.

The authority of this Board to grant a variance is contained in Section 307 of the B.C.Z.R.

Section 307.1 of the B.C.Z.R. reads as follows:

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from offstreet parking regulations and from sign regulations, only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, offstreet parking, or sign regulations, and only in such manner as to grant relief without substantial injury to public health, safety, and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for such variance." (emphasis added)

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Based upon the evidence and testimony given, this Board is satisfied that the variance should be granted and will so rule. The Petitioner has met the burden of practical difficulty and has further established that it is more appropriate for the fence to be constructed 1 foot from the right-of-way line than to otherwise place it 4 to 6 feet from the line where it will serve a less useful purpose. The concern of this Board is to carry out the intent and purpose of Section 405.4.B.3.a and to have assurances that screening is being effectively provided.

#### ORDER

For the reasons set out above, it is this 17th day of April, 1990 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Zoning Variance from Section 405.4.B.3.a to allow a screening fence 1 foot from the street right-of-way in lieu of the required 6 feet be and is hereby GRANTED, subject to the following restriction:

- Plans and specifications of the fence to be erected shall be submitted to and subject to approval by the Baltimore County Landscape Planner, Office of Current Planning.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett  
William T. Hackett, Chairman

Michael B. Sadey  
Michael B. Sadey

Lynn B. Moreland  
Lynn B. Moreland

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IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
AND ZONING VARIANCE \* ZONING COMMISSIONER  
NWS Pulaski Hwy. & Berk Ave. \*  
(8350 Pulaski Highway) \* OF BALTIMORE COUNTY  
15th Election District \*  
6th Councilmanic District \* CASE # 89-422-SPHA  
Rodney Wayne Dressler, et ux  
Petitioners \* \* \* \* \*

#### AMENDED ORDER

WHEREAS, the Petitioner requested relief for a Special Hearing, a Special Exception for an automotive service station and various Variances which was granted in part and denied in part; and

WHEREAS, a hearing was properly posted and advertising and testimony was received concerning the relief requested, pursuant to the Petition for Special Hearing, Special Exception and Variances; and,

WHEREAS, by an Order dated June 9, 1989, the Zoning Commissioner did dismiss the Petition for Special Hearing for the approval of a nonconforming use for a "gasoline service station".

That the Petition for Zoning Variance from Section 405.4.B.3.a. to allow a screening fence one foot (1') from the street right of way was denied.

That the Petition for Zoning Variance from Section 405.4.B.3.a. to allow a screening fence four feet (4') from the street right of way was granted.

That the Petition for Special Hearing to amend the Zoning case #4246-RX and the Petition for Special Exception for an automotive service station was granted; and,

ORDER RECEIVED FOR FILING  
Date 4/24/90  
By [Signature]

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WHEREAS, the relief requested in the Petition for Zoning Variance from Section 405.4.A.2.c. to allow a pump island setback of 2-1/2 feet from the right of way in lieu of the required six feet (6') minimum was inadvertently omitted from the original Order dated June 9, 1989 and relief should have been granted, with restrictions.

THEREFORE, IT IS HEREBY ORDERED by the Zoning Commissioner for Baltimore County, this 13th day of June, 1989 that this Amended Order be passed to modify the original Order of June 9, 1989 to allow a pump island setback of 2-1/2 feet from the right of way, in lieu of the required six feet (6') minimum, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that all other terms, conditions, and restrictions of the original Order of June 9, 1989 be and hereby are enforced except as amended by this Order.

JRH:mmn  
cc: Mr. and Mrs. Rodney W. Dressler, 5713 Cynthia Terrace, Baltimore, Maryland 21237

Mr. and Mrs. Michael Forish, 8366 Old Philadelphia Rd., Baltimore, Maryland 21237

Mr. Theodore J. Fajkowski, 8358 Old Philadelphia Rd., Baltimore, Maryland 21237

Mr. Donald J. Placek, 1240 Landover Road, Baltimore, Md. 21237

Mr. Frank Lee, 1277 Neighbors Avenue, Baltimore, Md. 21237

Peoples Counsel

ORDER RECEIVED FOR FILING  
Date 4/24/90  
By [Signature]

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Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333  
J. Robert Haines  
Zoning Commissioner

June 12, 1989

Trent L. Seawell, Esquire  
7902 Belair Road  
Baltimore, Maryland 21236

RE: AMENDED ORDER  
Rodney Wayne Dressler, Petitioners  
Case No. 89-422-SPHA

Dear Mr. Seawell:

Enclosed please find a copy of the Amended Order in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Amended Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 867-3391.

Very truly yours,  
J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:mmn

encl.

cc: Mr. and Mrs. Rodney W. Dressler, 5713 Cynthia Terrace, Baltimore, Maryland 21237

Mr. and Mrs. Michael Forish, 8366 Old Philadelphia Rd., Baltimore, Maryland 21237

Mr. Theodore J. Fajkowski, 8358 Old Philadelphia Rd., Baltimore, Maryland 21237

Mr. Donald J. Placek, 1240 Landover Road, Baltimore, Md. 21237

Mr. Frank Lee, 1277 Neighbors Avenue, Baltimore, Md. 21237

Peoples Counsel



Dennis F. Harrison  
County Executive

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IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
AND ZONING VARIANCE \* ZONING COMMISSIONER  
NWS Pulaski Hwy. & Berk Ave. \*  
(8350 Pulaski Highway) \* OF BALTIMORE COUNTY  
15th Election District \*  
6th Councilmanic District \* CASE # 89-422-SPHA  
Rodney Wayne Dressler, et ux  
Petitioners

\*\*\*\*\*  
FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a Special Hearing to approve a nonconforming use of a service station and to amend the reclassification and Special Exception granted in case #4246-RX (dated 9/24/57), and a Petition for a Zoning Variance from Section 405.4.B.3.a. to allow a screening fence to be located 1 foot from the street right of way in lieu of the required minimum 6 foot, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Mr. Rodney Wayne Dressler appeared, testified and was represented by Trent L. Seawell, Esquire. The Petitioner was supported in his testimony by Mr. Frank Lee, a Registered Land Surveyor and Mr. Donald Placek, the former operator of the service station. There were three (3) Protestants who appeared and testified, namely, Mr. Michael Forish, Mrs. Shirley Forish and Mr. Theodore J. Fajkowski.

The evidence and testimony in this matter tends to indicate that the subject property is currently developed with a Getty Service Station. It is located approximately at the intersections of U.S. Route 40, (also known as Pulaski Highway) Old Philadelphia Road and Berk Avenue. The property is roughly trapezoid shaped and the improvements are all located closest to the 3-way intersection. The evidence tends to establish that the property is zoned B.R.-C.S.I. and contains approximately one-half (1/2) acre of land.

The current improvements consist of a gasoline service station with two internal service bays and a rear storage area. There is an existing island with gasoline dispensing pumps and a proposed future service island with additional pumps to be located along Pulaski Highway.

About 50% of the subject site, specifically, the area along the rear of the property facing Old Philadelphia Road and the western 40% of the lot is currently vacant. The reason the lot is vacant is that the original structures have been removed by the current owner because of their dilapidated condition. The previously existing structures were cottages and/or cabins for rent for motor tourists which have not been in use for more than 20 years. Mr. Dressler testified that the cabins were in such a bad state of disrepair that he had no choice but to completely remove them. When the structures were removed the vegetation that had grown among the structures along Old Philadelphia Road was also removed.

During the forty (40) years the cabins existed along the Old Philadelphia Road side of this lot, a scrub tree hedge row had grown up between the lot and the road. This hedge row was removed by the Petitioner approximately 15 months ago when the cabins and cottages were also removed. Currently, the entire Old Philadelphia Road side of the property is open and exposed to create an open line of vision from the residences on Berkwood Road, Old Philadelphia Road and Berk Avenue across the lot to Pulaski Highway.

This condition of the open undeveloped portion of the subject property is the greatest source of concern for the Protestants. A great deal of testimony was provided by the Protestants concerning their unhappiness with the removal of the vegetative buffer which had grown up naturally along the Old Philadelphia Road property line. The Protestants also went to great

lengths to explain their unhappiness with the dust condition created on the vacant portion of the subject property and the lack of proper safeguards to screen their properties from the dust, noise and odors of the currently operating gasoline service station.

The subject property was issued commercial status in zoning case #4246-RX. Then Zoning Commissioner, Wilsie H. Adams, issued an opinion granting the subject property a reclassification from "R-6" to B.L. zoning and granted a Special Exception for a "gasoline service station". The plan accompanying the original Petition for Reclassification and Petition for Special Exception shows the original gasoline service station and the then existing cabins or cottages. The plan indicates that the structures were used as tourist homes.

The Petitioners claim a nonconforming use for a "gasoline service station" and have offered primarily the testimony of Mr. Donald J. Placek in support of the petition for nonconforming use. Specifically, Mr. Placek testified that he had worked at this subject location from approximately 1942 through 1943 before entering the United States Armed Forces. After returning from the Armed Service active duty in World War II, Mr. Placek returned to employment at this location in 1946. Mr. Placek either worked as an employee or as the operator of the gas station until 1987. In 1987, the site was sold; legally transferred to the Petitioner and the Petitioner has operated the gas station ever since.

On September 24, 1957, Zoning Commissioner, Wilsie H. Adams, granted a Special Exception for a "gasoline service station" which would supersede and negate any need for a nonconforming use for a gasoline service station. The nonconforming use for the cabins has been made moot by the actions of the Petitioner when he removed the tourist homes or cabins from

the property more than one year ago. Since the property enjoys an existing and legally enforceable "Special Exception for a gasoline service station", it is unnecessary to rule on the Petition for Special Hearing for approval of a nonconforming use for a service station. Therefore, the Special Hearing relief will be dismissed for the nonconforming use, as unnecessary.

The Petitioner has also requested relief, pursuant to a special hearing, for approval of an amendment to the reclassification and special exception granting a gasoline service station in zoning case #4246-RX.

When a Petition for Special Hearing is filed to amend an originally granted Special Exception then the Petitioner is required to bring the current operation into compliance with the requirements of the current Baltimore County Zoning Regulations (B.C.Z.R.).

The actual Order of September 24, 1957 granted a special exception for a "gasoline service station". In 1955, the B.C.Z.R. did not contain a special exception for a "gasoline service station" in the B.L. zone. Section 230.13 of the 1955 regulations provided for a special exception for a "filling station" in the B.L. zone.

The "gasoline service station", referred to in the Order, is really a filling station as described in Section 230.13 of the 1955 B.C.Z.R. The activities that have been undertaken at this location over the years, as described by Petitioner's witness, Donald Placek, clearly, fit within the definition of Section 230.13 for a filling station. The site is subject to Section 405.2 and 405.3 of the B.C.Z.R.

The testimony and evidence provided by the Petitioner, clearly, indicates that the amount and levels of repair work being done at this site is extremely small in comparison to the primary service of providing gasoline and motor fuel services to the public. The Petitioners real

operation fits within the definition of an "automotive service station", as defined in Section 101 of the B.C.Z.R.:

"Automotive Service Station: A structure or land used or intended to be used primarily for the retail sale of automotive fuel, but not a truck stop. (Bill No. 40, 1967; No. 18, 1976)"

Both Mr. Placek and the Petitioner testified that the primary source of income and the major thrust of this operation is the retail sales of automotive fuels. In fact, the Petitioner testified that the sole purpose of these petitions is to permit the inclusion of an additional pump island in order to sell more gasoline. The Petitioner believes this will improve the profitability of the station.

Clearly, this operation is an "automotive service station". The Petitioner has requested relief from Section 405.4.B.3.a. concerning screening of the automotive service station from adjoining properties and street right-of-ways.

A variance from Section 405.4.B.3.a. has been requested to allow a screening fence to be erected one foot from the street right of way in lieu of the required six feet. Section 405.4.B.3.a speaks for itself as to the desirability of screening. The section says:

"a. Screening shall be provided in accordance with the requirements of the Baltimore County Landscape Manual adopted pursuant to Section 22-105 of Title 22 of the Baltimore County Code. In the case of any such service station on a lot adjacent to a residential zone or residential premises, a wall(s) or fence(s) shall be constructed to screen the station and its operations from such zone or premises, but such wall(s) or fence(s) shall not be situated closer than six feet to any street right of way. Notwithstanding other provisions of these regulations, no rear or side yard shall be required on the lot of a service station so screened at the rear or side, respectively, if such a wall or fence is provided in lieu thereof, and the rear or side wall of the service station

building may serve as a portion of such wall or fence. All surfaces of such walls or fences facing residential zones or premises shall be finished and, in the discretion of the Zoning Commissioner, vine-covered or otherwise improved by the use of planting immediately adjacent thereto. (Bills No. 40, 1967; No. 31, 1984)."

The Baltimore County Office of Planning and Zoning, through the Deputy Director, Arnold F. (Pat) Keller III, has provided the following comments in reference to this matter.

"The petitioners request a special hearing to approve the nonconforming use of a service station and a variance to allow a screening fence 1 foot from the street right of way in lieu of the required 6 feet. In reference to this request, staff offers the following comments:

This office has no comment with regard to the nonconforming status. However, the proposed service island should be located in conformance with current regulations since the location shown on the plan causes traffic using the island to stack in the right of way of Pulaski Highway. The travel lanes and parking areas should be paved with a durable, dustless surface.

With regard to the requested variance, the Landscape Manual requires an 8' wide landscape strip adjacent to public roads. The variance request would conflict with these requirements. Planting rather than a fence should be erected.

The entrance from Berk Avenue and the center entrance on Pulaski Highway should be closed.

A landscape plan showing streetscape treatment of Pulaski Highway and Old Philadelphia Road is required prior to the issuance of any building permit. Any landscaping located within the street right of way must be maintained by the property owner."

As stated above, most of the Protestants' actual complaints about this site are precisely the types of complaints raised by residents about all automotive service station and, specifically, the types of complaints that Section 405.4.B.3.a. was originally written to address. The granting

of such a variance would absolutely violate the entire purpose and intent of the screening requirements set forth in Section 405. These requirements were created to protect adjoining residential properties. This site is a prime example of one that demands appropriate use of good quality vegetative buffering and inorganic screening. The Petitioner is requesting relief that would destroy the fundamental purpose for which this screening regulation was created.

After due consideration of the testimony and evidence presented, the requested variance would be detrimental to the public health, safety and general welfare, if granted.

Pursuant to the advertisement, posting of the property, and public hearing on the Petitions held, and for the reasons given above, the various relief requested should be denied in part and granted in part and, for the reasons given above, the Petition for Special Hearing for a legal nonconforming use for a gasoline service station should be dismissed, and the Petition for Special Hearing to approve an amendment to the existing reclassification and special exception for a gasoline service station as granted in zoning case #4246-RX should be granted as more fully described, amended and altered below in this Order and as restricted herein.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 9<sup>th</sup> day of June, 1989, that the Petition for Special Hearing for the approval of a nonconforming use for a "gasoline service station" should be dismissed; and

IT IS FURTHER ORDERED, that the Petition for Zoning Variance from Section 405.4.B.3.a. to allow a screening fence one (1) foot from the street right of way in lieu of the maximum required 6 feet, as more

particularly described on Petitioners' Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED, that the Petition for Zoning Variance from Section 405.4.B.3.a. to allow a screening fence four (4) feet from the street right of way in lieu of the maximum required six (6) feet be and is hereby GRANTED; and,

IT IS FURTHER ORDERED, by the Zoning Commissioner that the Petition for Special Hearing to amend the former reclassification and special exception granting a "gasoline service station" in zoning case #4246-RX be and is hereby Amended to a Special Exception for An Automotive Service Station, as more particularly described on Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictive covenants contained below:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall pave all areas used on the subject property for automobile parking, and ingress and egress areas with a durable and dustless surface as required in the B.C.Z.R.

3. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

4. The Petitioner shall develop a landscape and vegetative plan to be determined and approved by the Baltimore County Landscape Planner, Office of Current Planning. The vegetative buffer shall be on the Old Philadelphia Road side of the eight (8') foot chain link fence which shall be



installed no closer than four (4) feet from the street right of way. The landscaping and fence shall be installed on or before October 31, 1989. The plan shall be approved by the Baltimore County Landscape Planner and said landscape plan shall be submitted to the Zoning Commissioner for final approval on or before June 15, 1989. The approved plan shall become a permanent part of the record and file in this matter and shall be enforceable as any other requirement, restriction or Order of the Zoning Commissioner.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner for  
Baltimore County

JRH:mmm  
cc: Peoples Counsel

Mr. and Mrs. Rodney W. Dressler, 5713 Cynthia Terrace, Baltimore, Maryland 21237

Mr. and Mrs. Michael Forish, 8366 Old Philadelphia Rd., Baltimore, Maryland 21237

Mr. Theodore J. Fajkowski, 8358 Old Philadelphia Rd., Baltimore, Maryland 21237

Mr. Donald J. Placek, 1240 Landover Road, Baltimore, Md. 21237

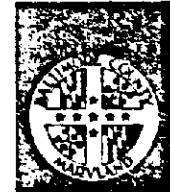
Mr. Frank Lee, 1277 Neighbors Avenue, Baltimore, Md. 21237

ORDER RECEIVED FOR FILING  
Date 10/10/89  
By J. Robert Haines

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3333

J. Robert Haines  
Zoning Commissioner

June 9, 1989



Dennis F. Rasmussen  
County Executive

Trent L. Seawell, Esquire  
7902 Belair Road  
Baltimore, Maryland 21236

RE: Petitions for Special Hearing and Zoning Variance  
Case #89-422-SPHA  
Rodney Wayne Dressler, and wife, Petitioners

Dear Mr. Seawell:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing and Zoning Variance have been granted in part and denied in part, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner

JRH:mmm

att:

cc: Peoples Counsel

Mr. and Mrs. Rodney Wayne Dressler, 5713 Cynthia Terrace, Baltimore, Maryland 21206

Mr. and Mrs. Michael Forish, 8366 Old Philadelphia Rd., Baltimore, Maryland 21237

Mr. Theodore J. Fajkowski, 8358 Old Philadelphia Rd., Baltimore, Maryland 21237

Mr. Donald J. Placek, 1240 Landover Road, Baltimore, Md. 21237

Mr. Frank Lee, 1277 Neighbors Avenue, Baltimore, Md. 21237

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RE: (PETITION FOR SPECIAL HEARING) : BEFORE THE COUNTY BOARD OF APPEALS  
PETITION FOR VARIANCE  
NW/S Pulaski Hwy. & Berk Ave. : OF BALTIMORE COUNTY  
(8350 Pulaski Hwy.)  
15th Election District :  
6th Councilmanic District :  
RODNEY WAYNE DRESSLER, ET UX, : Case No. 89-422-SPHA  
Petitioners :  
: : : : :  
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Room 304, County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204  
(301) 887-2188

I HEREBY CERTIFY that on this 30th day of October, 1989, a copy of the foregoing Entry of Appearance was mailed to Trent L. Seawell, Esquire, 7902 Belair Rd., Baltimore, MD 21236, Attorney for Petitioners.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman

21-6 14 62 130 69

RECEIVED  
BALTIMORE COUNTY CLERK  
OCT 31 1989

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## PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-422-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve...

Non Conforming Use of Service Station and to amend the...  
reclassified as a Special Hearing granted in Case No. 89-422-SPHA (on 9-24-89)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

N/A  
(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Trent L. Seawell  
(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Rodney Wayne Dressler  
(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Trent L. Seawell

Name

7902 Belair Road

Baltimore, Md. 21236 (665-0360)

Address

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of March, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 28th day of April, 1989, at 2 o'clock P.M.

*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner of Baltimore County

ECO-No. 1

(over)

MICROFILMED

## PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-422-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 405.4 B to allow construction of a screening fence less than six feet from the Philadelphia Road right-of-way.

1 ft. from the street right-of-way in lieu of the minimum required 6 ft.

- To conform to present zoning regulations as to screening.
- To properly utilize the land contour so as to obtain maximum visual use of the fence (the property contour prohibits installing the screening fence at any other location as it would lower the height and diminish its effectiveness).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

N/A  
(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Trent L. Seawell  
(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

Rodney Wayne Dressler  
(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Trent L. Seawell, Esq.

Name

7902 Belair Road

Baltimore, Maryland 21236 (301) 665-0360

Address

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of March, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 28th day of April, 1989, at 2 o'clock P.M.

*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner of Baltimore County

(over)

MICROFILMED

ORDER RECEIVED FOR FILING  
Date 10/10/89  
By J. Robert Haines

Phone: 687-6922

## FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. — BALTIMORE, MD. 21237

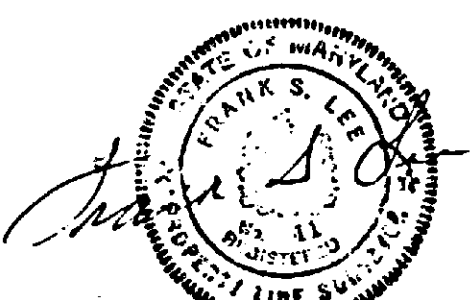
December 7, 1988

No. 8350 Pulaski Highway  
15th District Baltimore County, Maryland

Beginning for the same at the northwest corner of Pulaski Highway and Berk Avenue, thence running and binding on the north side of Pulaski Highway by a line curving to the right with a radius of 25,389.79 feet for a distance of 200.72 feet, thence running for a line of division North 64 degrees 27 minutes 43 seconds West 118.01 feet to the south side of Old Philadelphia Road, thence on the south side thereof as follows: North 56 degrees 47 minutes 11 seconds East 40.72 and by a line curving to the right with a radius of 1378.00 for a distance of 218.01 feet to the west side of Berk Avenue, thence on the west side thereof South 36 degrees 02 minutes 21 seconds East 73.70 feet to the place of beginning.

Containing 0.54 acres of land more or less.

MICROFILMED



## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

89-422-SPHA

District 15TH Date of Posting 4/1/89  
Posted for Special Hearing & Variance  
Petitioner Rodney Wayne Dressler  
Location of property 8350 Pulaski Hwy. & Berk Ave.  
Location of Sign 8350 Pulaski Hwy. approx. 15' E. for driveway  
Remarks  
Posted by [Signature] Date of return 4/2/89  
Number of Signs 7

MICROFILMED

## CERTIFICATE OF PUBLICATION

TOWSON, MD. April 3, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 30, 1989.

NORTHEAST TIMES  
THE JEFFERSONIAN

*S. Zebe Olson*  
S. Zebe Olson  
Publisher

PO 10867  
reg M27114  
cc 89-422-SPHA  
price \$89.83

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County has received a petition for a Special Hearing and Variance from the Zoning Regulations of Baltimore County, Case No. 89-422-SPHA, filed by Rodney Wayne Dressler, et ux, 8350 Pulaski Highway, 15th Election District, 6th Councilmanic District, Towson, Maryland 21204. The hearing will be held on April 28, 1989 at 2:00 p.m. in Room 108, County Office Building, Towson, Maryland. The hearing will be held in public and anyone interested in the matter may appear and be heard. The hearing will be held in public and anyone interested in the matter may appear and be heard. The hearing will be held in public and anyone interested in the matter may appear and be heard.

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

89-422-SPHA

District 15TH Date of Posting 4/1/89  
Posted for Special Hearing & Variance  
Petitioner Rodney Wayne Dressler  
Location of property 8350 Pulaski Hwy. & Berk Ave.  
Location of Sign 8350 Pulaski Hwy. approx. 15' E. for driveway  
Remarks  
Posted by [Signature] Date of return 4/2/89  
Number of Signs 7

MICROFILMED



BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 7597

DATE 7-17-89 ACCOUNT R-01-615-000

AMOUNT \$ 175.00

RECEIVED FROM TRENT SEAWELL - ATTORNEY

FOR APPEAL FILING (VARIANCE PETITION ONLY)  
CASE # 89-422-SPHA - DRESSLER

B 039\*\*\*\*\*175000

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 7627

DATE 4/28/89 ACCOUNT R-01-615-000

AMOUNT \$ 119.83

RECEIVED FROM Kenneth Levine (Dressler)

FOR RA 4/18/89 hearing 89-422-SPHA

B 039\*\*\*\*\*119830

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

Date: 4-3-89

Mr. & Mrs. Rodney Wayne Dressler  
5713 Cynthia Terrace  
Baltimore, Maryland 21208

Re: Petitions for Special Hearing and Zoning Variance  
CASE NUMBER: 89-422-SPHA  
NAC Pulaski Highway and Berk Avenue  
8350 Pulaski Highway  
15th Election District - 6th Councilmanic  
Petitioner(s): Rodney Wayne Dressler, et ux  
HEARING SCHEDULED: FRIDAY, APRIL 28, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Dressler:

Please be advised that \$119.83 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

JRH:gs

cc: Trent L. Seawell, Esq.  
File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

March 13, 1989

# NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing and Zoning Variance  
CASE NUMBER: 89-422-SPHA  
NAC Pulaski Highway and Berk Avenue  
8350 Pulaski Highway  
15th Election District - 6th Councilmanic  
Petitioner(s): Rodney Wayne Dressler, et ux  
HEARING SCHEDULED: FRIDAY, APRIL 28, 1989 at 2:00 p.m.

Special Hearing: Non-Conforming Use of Service Station and to amend the reclassification Special Hearing granted in Case No. 4246-RX.  
Variance from Section 405.4.A.2.C to allow a pump island with set back of 2 1/2 ft. in lieu of the minimum required 8 ft. from the right-of-way.  
Variance from Section 405.4.B.3.a to allow a screening fence 1 ft. from the street right-of-way in lieu of the maximum required 6 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Mr. & Mrs. Dressler  
Trent L. Seawell, Esq.  
File

RECORDED



## County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 494-3333 887-3180  
September 28, 1989

### NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-422-SPHA RODNEY WAYNE DRESSLER, ET UX  
NW/s Pulaski Hwy. & Berk Ave. (8350  
Pulaski Hwy.)  
15th Election District  
6th Councilmanic District

VAR - fence 1' from right-of-way in lieu of 6'  
6/9/89 - Z.C.'s Order GRANTING Petitions.  
6/13/89 - Z.C.'s Amended Order GRANTING Variance  
which was inadvertently omitted from the original Order.

ASSIGNED FOR: WEDNESDAY, FEBRUARY 21, 1990 at 10:00 a.m.

cc: Mr. and Mrs. Rodney Dressler Petitioners/Appellants  
Trent L. Seawell, Esquire Counsel for Petitioners/Appellants  
Mr. Frank Lee  
Mr. Donald Placek  
Mr. and Mrs. Michael Forish  
Mr. Theodore J. Fajkowski  
People's Counsel for Baltimore County  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
M. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney  
Linda Lee M. Kusmaul  
Legal Secretary



## County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 494-3180  
January 3, 1990

### NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 89-422-SPHA RODNEY WAYNE DRESSLER, ET UX  
NW/s Pulaski Highway & Berk Avenue  
(8350 Pulaski Highway)  
15th Election District - 6th Councilmanic District  
VAR - to allow screening fence 1 foot from street  
right-of-way in lieu of required minimum 6 feet  
6/09/89 - Z.C.'s Order in which Petitions were  
GRANTED in part and DENIED in part  
6/13/89 - Z.C.'s Amended Order in which Petition  
for Variance inadvertently omitted  
from original Order was GRANTED.

which had been scheduled for hearing on Wednesday, February 21, 1990 has been  
POSTPONED at the request of Counsel for Appellant /Petitioners due to a  
Circuit Court conflict and has been

REASSIGNED FOR: THURSDAY, MARCH 15, 1990 at 10:00 a.m.

cc: Mr. & Mrs. Rodney Dressler Appellants /Petitioners  
Trent L. Seawell, Esquire Counsel for Appellants /Petitioners  
Mr. Frank Lee  
Mr. Donald Placek  
Mr. & Mrs. Michael Forish  
Mr. Theodore J. Fajkowski  
People's Counsel for Baltimore County  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
M. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney

Kathleen C. Weidenhammer  
Administrative Assistant

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 5, 1989

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

000

Trent L. Seawell, Esquire  
7902 Belair Road  
Baltimore, MD 21236

RE: Item No. 316, Case No. 89-422-SPHA  
Petitioner: Rodney Wayne Dressler, et ux  
Petition for Special Hearing &  
Zoning Variance

Dear Mr. Seawell:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIAPSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer/jw  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Rodney Wayne Dressler

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Property Owner: Rodney Wayne Dressler, et ux (Getty)

Location: NAC Pulaski Highway and Berk Avenue  
(8350 Pulaski Highway)  
Item No.: 316 Zoning Agenda: February 28, 1989

Dennis F. Rasmussen  
County Executive

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

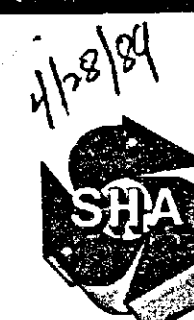
- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.
- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.  
\* Pumps shall be installed in accordance with NFPA Standard #30, 1981 ed.

REVIEWER: [Signature] 4/7/89 NOTED & APPROVED: [Signature]  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/j1

MR 2 J MW

RECORDED



## Maryland Department of Transportation State Highway Administration

Richard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

April 12, 1989

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Attn: Mr. James Dyer

Dear Mr. Haines:

After reviewing the commitment for a Special Hearing to approve the non conforming use of a service station and to amend the reclassification and Special Hearing granted in Case No. 4246-RX, we find the plan generally acceptable.

If you have any questions, please call Larry Brocato at 333-1350.

Very truly yours,

[Signature]  
Cristian J. Mills, Jr., Chief  
Engineering Access Permits  
Division

LB:maw

cc: Mr. F. Lee  
Mr. J. Ogle

RECORDED

My telephone number is (301) 333-1350

Teleypointer for impaired hearing or speech  
363-7555 Baltimore Metro - 444-0410 D.C. Metro - 1-800-482-2083 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21207 3/17



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
DATE: 4/28/89  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-422-SPHA  
Item No. 316

Re: Rodney W. Dressler, et ux

The petitioners request a special hearing to approved the nonconforming use of a service station and a variance to allow a screening fence 1 foot from the street right of way in lieu of the required 6 feet. In reference to this request, staff offers the following comments:

This office has no comment with regard to the nonconforming status. However, the proposed service island should be located in conformance with current regulations since the location shown on the plan causes traffic using the island to stack in the right of way of Pulaski Highway. The travel lanes and parking areas should be paved with a durable, dustless surface.

With regard to the requested variance, the Landscape Manual requires an 8' wide landscape strip adjacent to public roads. The variance request would conflict with these requirements. Planting rather than a fence should be erected.

The entrance from Berk Avenue and the center entrance on Pulaski Highway should be closed.

A landscape plan showing streetscape treatment of Pulaski Highway and Old Philadelphia Road is required prior to the issuance of any building permit. Any landscaping located within the street right of way must be maintained by the property owner.

IMPORTANT NOTICE

TO: PETITIONER  
FROM: ZONING COMMISSIONER  
SUBJECT: PETITION FOR ZONING VARIANCE

The following information is provided to you as a forwarding and it is not to be considered complete legal advice.

First, and most importantly, you must understand that the hearing you have requested is a quasi-judicial hearing and you are responsible for meeting the burden of law required by the Baltimore County Zoning Regulations. A judicial hearing is an adversary process, and therefore, there may be opposition to your request. During a judicial hearing, the parties will be permitted to testify, present evidence and cross-examine witnesses. Before the Zoning Commissioner or the Deputy Zoning Commissioner will rule on the evidence and testimony to determine whether or not the variance will be granted.

Second, you must understand that you are permitted to have representation by an attorney of your choice. You are not required to have an attorney, but it is recommended that you consider obtaining legal representation.

Third, it is strongly recommended that you read and understand the requirements of Section 307 of the Baltimore County Zoning Regulations, provided below.

Fourth, no employee of the Baltimore County Zoning Office may provide legal advice to anyone. The representations and opinions of any employee are not to be construed as definitive of any case. Only the decision of the Zoning Commissioner and Deputy Zoning Commissioner, or any matter after the statutory required public hearing.

Section 307. The Zoning Commissioner to grant variances from height and area regulations when strict compliance would result in practical difficulty or unnecessary hardship, but only if in strict harmony with the spirit and intent of the regulations and then only in such manner as to grant relief without substantial injury to the public health, safety, and general welfare.

The Court of Special Appeals in *Anderson v. Board of Appeals, Town of Chesapeake Beach*, 22 Md. App. 29, stated:

To prove "unusual hardship" for a use variance the following three criteria must be met:

- (1) APPLICANT MUST BE UNABLE TO SECURE A REASONABLE RETURN OR MAKE ANY REASONABLE USE OF HIS PROPERTY WHERE FINANCIAL HARDSHIP OR OPPORTUNITY FOR GREATER PROFIT IS NOT EXCLUDED;
- (2) THE DIFFICULTIES OR HARDSHIP IS PECULIAR TO THE SUBJECT PROPERTY IN CONTRAST WITH OTHER PROPERTIES IN THE ZONING DISTRICT;
- (3) HARDSHIP WAS NOT THE RESULT OF APPLICANT'S OWN ACTIONS.

To prove "practical difficulty" for an area variance the following criteria must be met:

- (1) WHETHER STRICT COMPLIANCE WITH REQUIREMENTS WOULD UNREASONABLY PREVENT THE USE OF THE PROPERTY FOR A PERMITTED PURPOSE OR RENDER CONFORMANCE UNREASONABLY BURDENSOME;
- (2) WHETHER THE GRANT WOULD DO SUBSTANTIAL INJUSTICE TO APPLICANT AS WELL AS OTHER PROPERTY OWNERS IN DISTRICT OR WHETHER A LESSER RELAXATION THAN THAT APPLIED FOR WOULD GIVE SUBSTANTIAL RELIEF;
- (3) WHETHER RELIEF CAN BE GRANTED IN SUCH FASHION THAT THE SPIRIT OF THE ORDINANCE WILL BE OBSERVED AND PUBLIC SAFETY AND WELFARE SECURED.

This Notice is not to be considered legal advice.

Even though there may not be opposition in a given case, your request may be denied.

This information is provided by J. Robert Haines, Zoning Commissioner, a public service.

SECTION 307 - VARIANCES

The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations and from sign regulations, only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unnecessary hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking, or sign regulations, and only in such manner as to grant relief without substantial injury to public health, safety, and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

August 8, 1989



Dennis F. Rasmussen  
County Executive

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Special Hearing and Zoning Variance  
NW/S Pulaski Highway and Berk Avenue  
(8350 Pulaski Highway)  
15th Election District, 6th Councilmanic District  
RODNEY WAYNE DRESSLER, ET UX - Petitioner  
Case No. 89-422-SPHA

Dear Board:

Please be advised that an appeal of the Variance portion only of the above-referenced case was filed in this office on July 14, 1989 by Trent L. Seawell, Attorney for Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,  
J. Robert Haines

J. ROBERT HAINES  
Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. & Mrs. Rodney Dressler  
5713 Cynthia Terrace, Baltimore, MD 21206

Trent L. Seawell, 7902 Belair Road, Baltimore, MD 21236

Frank Lee, 1277 Neighbors Avenue, Baltimore, MD 21237

Donald Placek, 1240 Landover Road, Baltimore, MD 21237

MICROFILMED

Appeal Cover Letter - Case No. 89-422-SPHA  
RODNEY WAYNE DRESSLER, ET UX - Petitioner  
August 8, 1989  
Page 2

Mr. & Mrs. Michael Forish  
8366 Old Philadelphia Road, Baltimore, Maryland 21237

Theodore J. Fajkowski  
8358 Old Philadelphia Road, Baltimore, Maryland 21237

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

File

MICROFILMED

9/25/89 - Following parties notified of hearing set for February 21, 1990 at 10:00 a.m.:

Mr. and Mrs. Rodney Dressler  
Trent L. Seawell, Esq.  
Mr. Frank Lee  
Mr. Donald Placek  
Mr. and Mrs. Michael Forish  
Mr. Theodore J. Fajkowski  
People's Counsel for Baltimore County  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon

1/03/90 - Request for POSTPONEMENT filed by Counsel for Appellants /Petitioners due to conflict w/Circuit Court for AA Co.

1/03/90 - Notice of Postponement and Reassignment sent to above for hearing reassigned to Thursday, March 15, 1990 at 10:00 a.m.

7/3  
Gethy - Sta 8350 Pulaski Hwy  
Arnold.

Looks like the site is not in compliance with Bd. of App order of 4/17/90 that requires landscape plan + screening - I don't see a landscape plan in file - The pictures (Before + After) are interesting - Care!

File is signal out to A.J.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

July 14, 1989



Dennis F. Rasmussen  
County Executive

Trent L. Seawell, Esquire  
7902 Belair Road  
Baltimore, Maryland 21236

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE  
NW/Corner Pulaski Highway and Berk Avenue  
(8350 Pulaski Highway)  
15th Election District - 6th Councilmanic District  
Rodney Wayne Dressler, et ux - Petitioners  
Case No. 89-422-SPHA

Dear Mr. Seawell:

In response to your letter dated June 20, 1989 on the above-referenced matter, please be advised that while I understand your position, I do not believe it is appropriate to amend the Order issued on June 9, 1989 to accommodate your client's inability to meet the landscaping requirements imposed therein. Accordingly, you may wish to file an appeal of this matter to the County Board of Appeals. Should you decide to pursue this avenue, please contact Mrs. Charlotte Radcliffe at 887-3391 for further information.

Very truly yours,  
J. Robert Haines

J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: Mr. & Mrs. Michael Forish  
8366 Old Philadelphia Road, Baltimore, Md. 21237

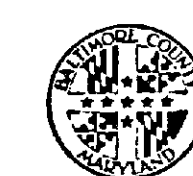
Mr. Theodore J. Fajkowski  
8358 Old Philadelphia Road, Baltimore, Md. 21237

Mr. Frank Lee  
1277 Neighbors Avenue, Baltimore, Md. 21237

People's Counsel

File

MICROFILMED



County Board of Appeals of Baltimore County  
COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

April 17, 1990

Trent L. Seawell, Esquire  
7902 Belair Road  
Baltimore, MD 21236

RE: Case No. 89-422-SPHA  
Rodney Wayne Dressler, et ux

Dear Mr. Seawell:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals in the subject matter.

Sincerely,

Kathleen C. Weidhammer  
Administrative Assistant

encl.

cc: Mr. & Mrs. Rodney Dressler  
Mr. Frank Lee  
Mr. Donald Placek  
Mr. & Mrs. Michael Forish  
Mr. Theodore J. Fajkowski  
People's Counsel for Baltimore County  
P. David Fields  
Pat Keller  
J. Robert Haines  
Ann M. Nastarowicz  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, County Attorney

MICROFILMED



TRENT L. SEAWELL  
ATTORNEY AT LAW  
7802 BELAIR ROAD  
BALTIMORE, MARYLAND 21236  
1301 665-0360  
June 20, 1989

J. Robert Haines  
Zoning Commissioner for Baltimore County  
Office of Planning and Zoning  
Towson, Maryland 21204

Re: Case No: 89-422-SFHA  
Petitioner: Rodney Wayne Dressler

Dear Mr. Haines:

I am in receipt of your Amended Order regarding the above captioned case, wherein you denied the petitioner's request to allow a screening fence one (1) foot from the street right of way but grant that the petitioner may locate the fence four (4) feet from the right of way as opposed to the required six (6) feet under Section 405.4.B.3.a.

There is a cement drain behind the service station that is located four (4) feet off the property line that would negate the placing of the screening at that point; also, it should be noted that the original screening, which consisted of natural vegetation, was not more than one (1) foot off the property line. Further, the contour of the land dictates that the farther the fence is removed from the property line the less screening it provides and therefore, tends to defeat its purpose.

Under the circumstances, I respectfully request that you reconsider the petitioner's request and allow the screening fence to be placed one (1) foot from the property line, which would better serve the needs of all the concerned parties.

Very truly yours,

Trent L. Seawell

TLS:dds

cc: Mr. & Mrs. Rodney W. Dressler  
Mr. & Mrs. Michael Forish  
Mr. Theodore J. Fajkowski  
Mr. Donald J. Placek  
Mr. Frank Lee  
Peoples Counsel

RECEIVED  
JUN 22 1989  
ZONING OFFICE

TRENT L. SEAWELL  
ATTORNEY AT LAW  
7802 BELAIR ROAD  
BALTIMORE, MARYLAND 21236  
1301 665-0360  
July 13, 1989

Baltimore County Zoning Commissioner  
Office of Planning and Zoning  
Towson, Maryland 21204

Attn: J. Robert Haines  
Zoning Commissioner

Re: Case No: 89-422-SFHA  
Petitioners: Rodney Wayne Dressler

Mr. Commissioner:

Please note an Appeal from the Amended Order in the above captioned case in regard to the Petitioner's request for a variance from Section 405.4.B.3.a to allow a screening fence one foot (1') from the street right of way.

Very truly yours,

Trent L. Seawell

TLS:dds

RECEIVED  
7-14-89-aw  
ZONING OFFICE

(4 DAYS LATE)

TRENT L. SEAWELL  
ATTORNEY AT LAW  
7802 BELAIR ROAD  
BALTIMORE, MARYLAND 21236  
1301 665-0360  
January 2, 1990

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Special Hearing and Zoning  
Variance NW/8 Pulaski Highway and East  
Avenue (8350 Pulaski Highway)  
15th. Election District, 6th. Councilmatic  
District  
Rodney Wayne Dressler, Et Ux - Petitioner  
Case No: 89-422-SFHA

Dear Board:

The above captioned matter is scheduled for a hearing on February 21, 1990, at 10:00 a.m.

I most respectfully request that the case be postponed to a later date in that I have been notified by the Circuit Court for Anne Arundel County that they have scheduled the case of Crowe vs. Rivera (Case No: 118973) for trial on February 21, 1990 at 9:30 a.m. This case was previously in for trial on December 21, 1989, however, it was postponed by the Court and reset, with a right-of-way, for February 21, 1990, therefore it will be tried on that date.

Very truly yours,

Trent L. Seawell

TLS:dds

cc: Peter Max Zimmerman,  
Deputy People's Counsel  
Room 304, County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

MICROFILMED

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

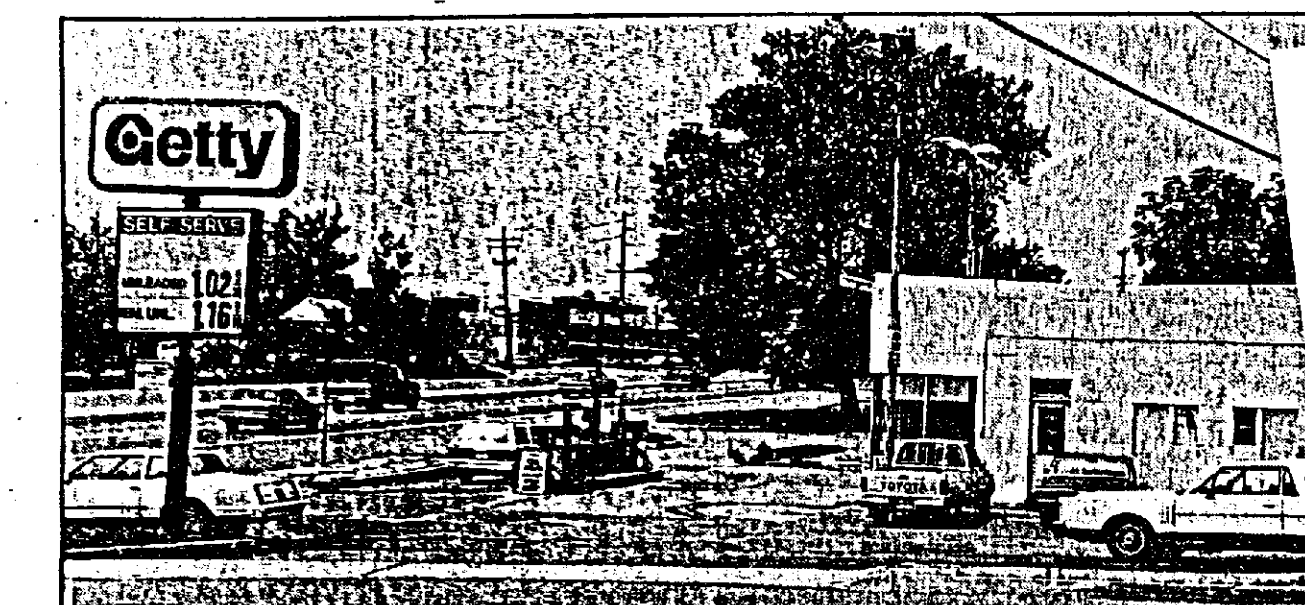
NAME	ADDRESS
Michael Forish	8366 Old Phila. Rd.
Theresa J. Fajkowski	8358 Old Phila. Rd.
Shirley Forish	8366 Old Phila. Rd.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Rodney W. Dressler	5713 Cynthia Terr
Carol P. Dressler	5713 Cynthia Terr
Trent L. Seawell	7902 Belair Rd 21204
Donald J. Placek	1240 LINDSEY RD 21237
FRANK LEE	1277 NEIGHBORS AVE 21237
Theresa	1204 Belknap Rd info

Exhibit H  
NEWS



Noise, fumes find way to community

## Hedge gone, highway seems closer

Gail E. Garrison

Some say, "A bird in the hand is worth two in the bush." Others believe bushmen have magical powers. Residents near the intersection of Pulaski Highway and East Avenue may know little of birds or bushmen, but they do know that the bushes that once filtered the noise and fumes of a local Getty gas station and the road beyond are now gone.

The residents are not very happy. "The trees and bushes were a perfect natural screening for the community," said Michael Forish, whose home on Old Philadelphia Road is directly behind the station. "Now we have an open visibility right through (the gas station) to Pulaski Highway. ... The noise from the highway is amplified, and a lot of dust and dirt blows off the property because it is not paved."

The scrub tree hedge now was removed last year by station owner Rodney Dressler when cabins and cottages not in use on the property were also removed. Complaints followed.

"When the hedge was there, I hardly heard any noise," said one concerned resident, who asked not to be named. "The hedge drowned out the noise, even tractor trailers (on Pulaski Highway)."

The resident is also concerned that those along the site are more open to burglary as their homes can now be seen from the highway.

"The reason I own the hedge-don't station is because there were abandoned motel units (on the site) that had been there for 20 years," said Dressler, a Rosedale resident who has owned the station since 1987. "Kids hung out there to smoke and drink. They (the residents) are now probably safer from burglary than they were before. I did them a favor."

The hedge behind the station, formerly known as the Keaswood Service Center, was removed about 15 months ago along with the abandoned structures, which were used from the 1920s to the 1960s for rent by motor tourists.

Unhappy residents, concerned over dust, noise and odors from the highway and station, tried working with Dressler from the start to battle the problems created by the vacant lot, said Forish, who has lived in the area for about 10 years. But after numerous unsuccessful attempts, the residents called County Councilman Dale Votz with their complaints.

A zoning inspector visited the site in May 1988, and a correction notice was

filed the following month requiring Dressler to install a screening fence at the rear of the property.

Dressler did nothing. A zoning citation was served in July 1988, giving Dressler the option to either pay a \$500 fine or appear in court.

Dressler appeared in Baltimore County District Court in November 1988, said Forish, who has followed developments from the start. He pleaded guilty to the charges, yet all fines were waived. The district court judge then referred the case to Zoning.

The zoning hearing was in April, at

which time Dressler requested that the committee allow him to erect a screening fence one foot from the street (a six-foot distance is normally required) and without any hedging to serve as a buffer.

Dressler's request was denied. The zoning committee instead ordered that a fence be constructed no closer than four feet from the street right-of-way, that all areas on the property be paved with "a durable and dustless surface" and that a vegetative buffer be planted on the Old Philadelphia Road side of the fence.

However, fencing and a hedge can't

buffer the feelings that remain between the residents and Dressler. "A businessman should cooperate with the people," said the resident who asked not to be named. "Many neighbors have been afraid to get involved, the resident added."

And so, more than a year since the hedges were removed, what appears to be a small victory for the residents of Pulaski Highway may become a loss for the neighborhood. A sense of unity between the Getty gas station and its neighbors is not on the agenda.

Dressler has until October 31 to comply with the zoning regulations.

## Man found nude, bleeding in bar

Leslie Rice

A Rosedale man was charged with indecent exposure Sunday afternoon after he turned up nude and bleeding at a bar in the 7400 block of Pulaski Highway.

In addition, Raymond Alphonso Spaulding, 23, of Hilltop Avenue, was charged with five counts of assault and battery, destruction of property and resisting arrest as five city and county police officers were needed to wrestle him to the ground.

According to Baltimore County police spokesman Col. Stephen Doanberger, a passerby alerted White Marsh Officer Todd Ford at 1:43 p.m. Sunday to a naked man running around in the area of Novak's Memories. As he approached the bar, the officer reported several broken windows and blood covering the walls and the doors.

Four city police officers arriving at the scene helped Ford handcuff the bloody, naked man, who was found inside Novak's. As Spaulding resisted, all five police officers were cut by the shattered glass lying on the floor.

According to Doanberger, Spaulding had been drinking and using PCP and marijuana. When Spaulding was subdued, the officers took him to Franklin Square Hospital Center, where they were all treated for abrasions and discharged later that day.

No housing violations  
A District Court judge last week dismissed charges of 12 violations of Baltimore County's new rental housing code filed against Holland Hills apartments in Codonia.

Judge I. Marshall Seidler dismissed all charges Friday against Holland Hills

### NEWS BRIEFS

defendant Louis P. Reeder, saying that the county failed to back up claims of code violations from Oct. 20, 1988 to Feb. 20, 1989 with substantial evidence.

Oken gets life sentence  
Steven H. Oken, the 27-year-old Baltimore man charged with the murder of two women in White Marsh, was given the maximum sentence of life imprisonment Friday in Maine for the 1987 murder of a Kittery motel clerk.

Superior Court Justice Roland Cole also sentenced Oken to 20 years for armed robbery and five years for theft, both to be served concurrently.

Oken had pleaded guilty last April to the gunshot murder of 25-year-old Lori Ward, which took place in November 1987 at the same time Maryland authorities were on his trail.

Officials in the Baltimore County State's Attorney's office have said the state will seek the death penalty if Oken is found guilty of murdering the two White Marsh women. No count date has been set.

Prison for drug dealers  
Seven people involved in drug dealings at Sherlock's Pub in Cub Hill over a six year period have been sentenced to prison terms ranging from 18 months to over 10 years.

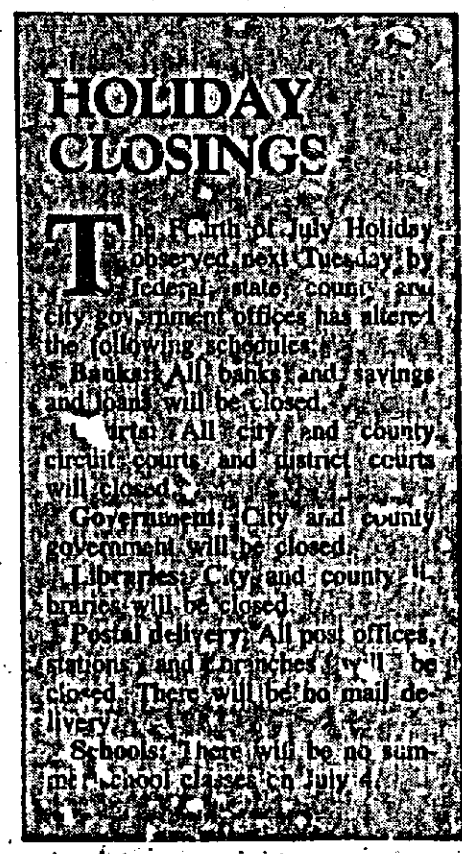
Glen Arm resident Donald Sigwart and Charles A. H-jon (a.k.a. Charles Dunning) of Florida were sentenced to 10 years and one month in prison for

supplying the drugs. David M. Deigert of Cub Hill was sentenced to nine years and seven months, as a local accessory.

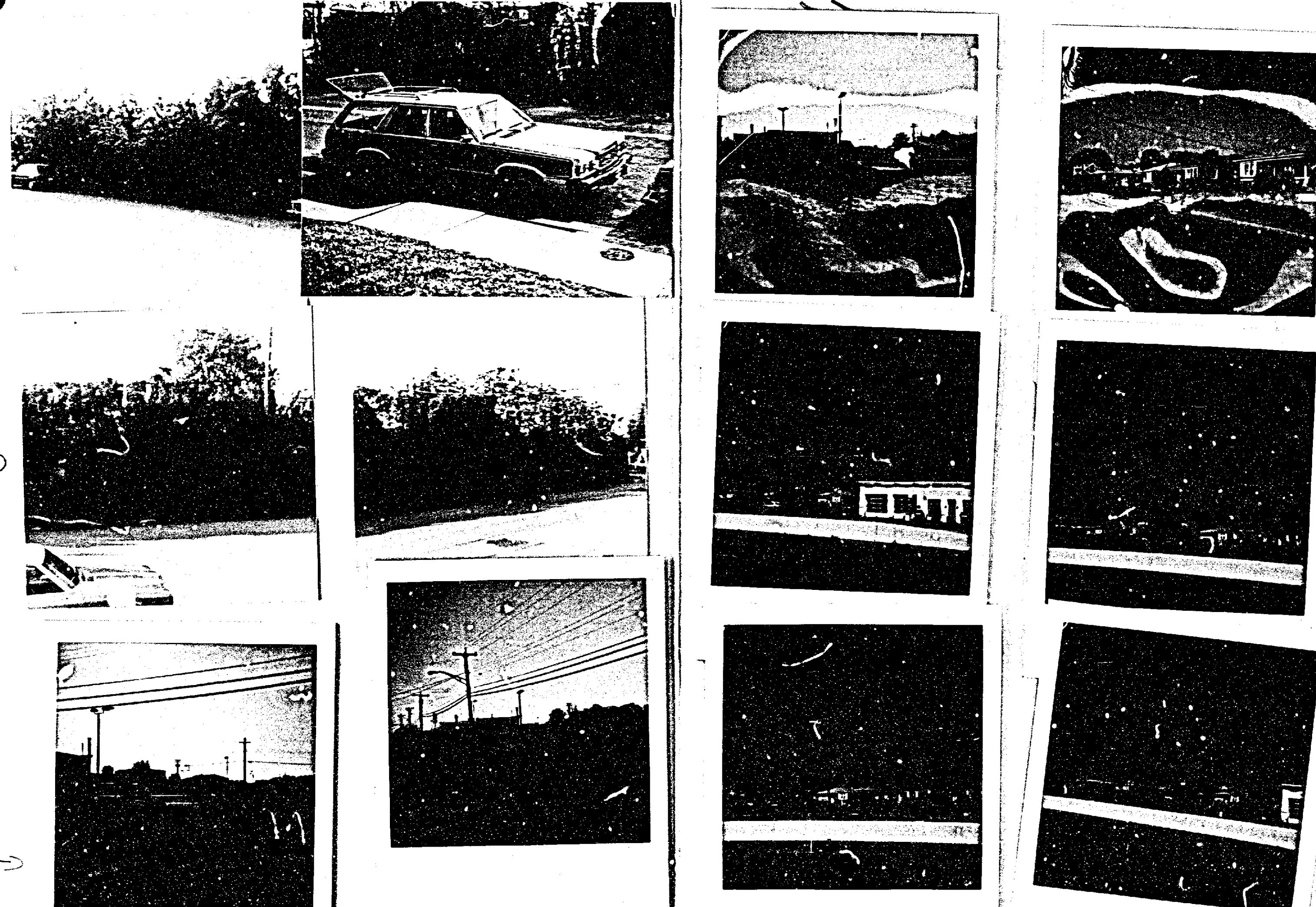
Glen Arm resident Ronald F. Frado Jr., the man who sold the cocaine to Deigert, got a prison term of nine years and one month.

Essex resident Perry W. Frado and William Scott of Park, both tagged for cocaine distribution, received sentences of eight years and one month and four years and nine months, respectively.

Theodore C. Lelushsky of Glen Arm was sentenced to 18 months in prison for selling cocaine.

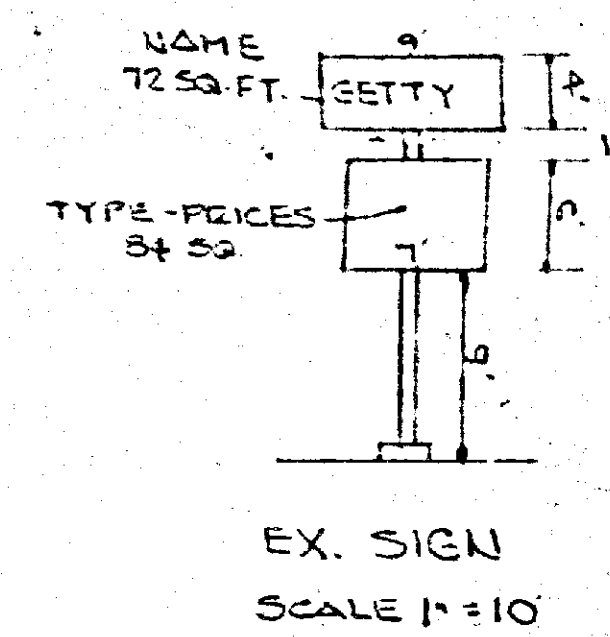
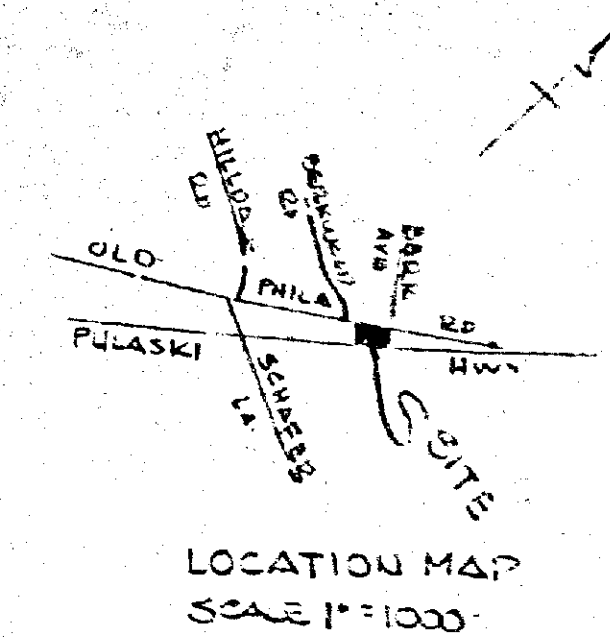
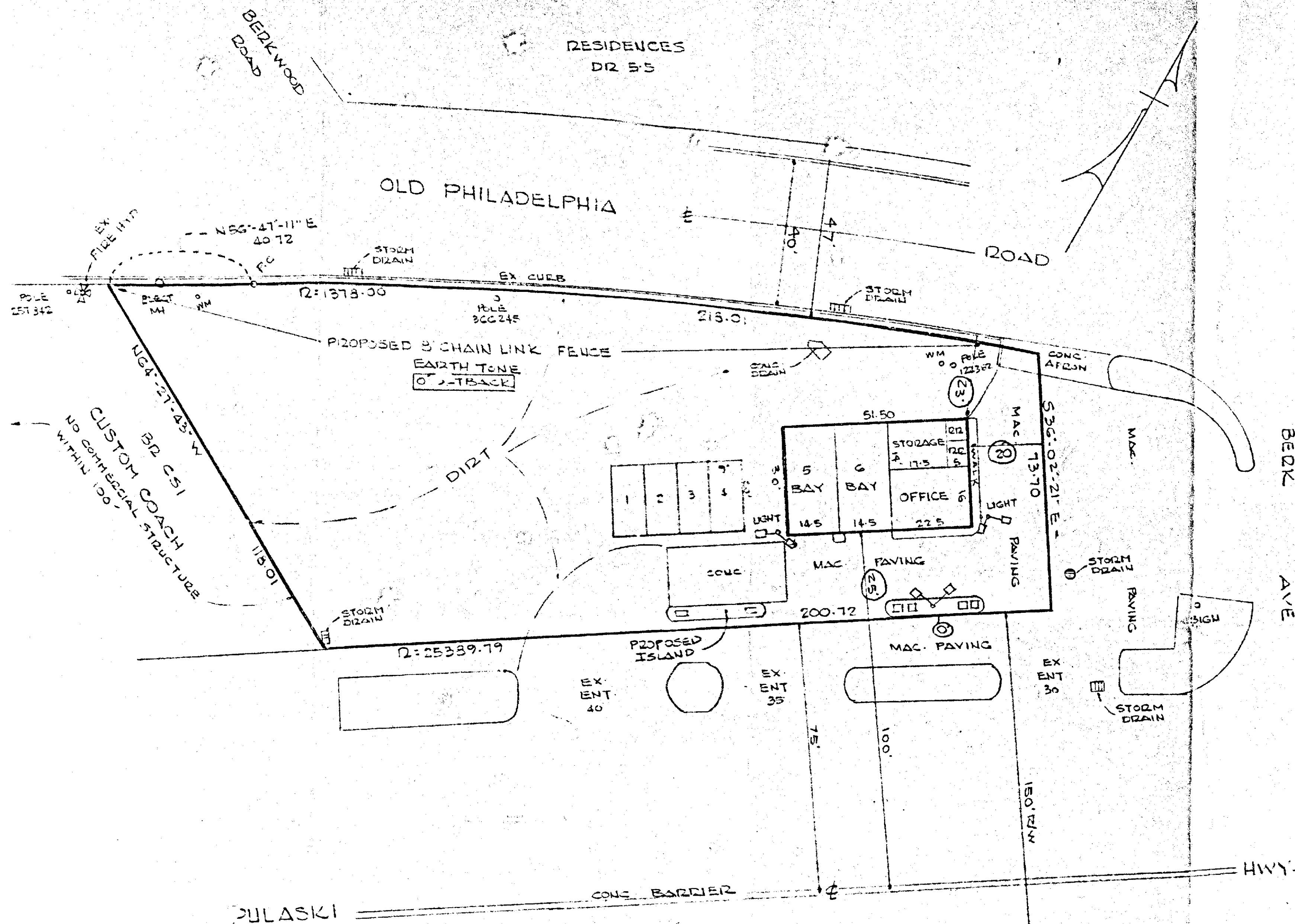


4246-RX



PROTESTANT'S  
EXHIBIT 1  
MICROFILMED





EX. USE - SERVICE STATION  
EX. ZONING - BR CS1  
AREA OF LOT = 0.54 AC. ±  
AREA OF BLDG = 1545 SQ. FT.

PARKING DATA

NO. OF SPACES REQ (3 PER BAY) = 6 SPACES  
NO. OF SPACES SHOWN - 4 OUTSIDE = 6 SPACES  
2 INSIDE

PLAT TO ACCOMPANY PETITION FOR A NON CONFORMING USE

**GETTY SERVICE STATION**

No. 8350 PULASKI HIGHWAY

15TH DISTRICT BALTIMORE CO., MARYLAND

Scale 1" = 20'

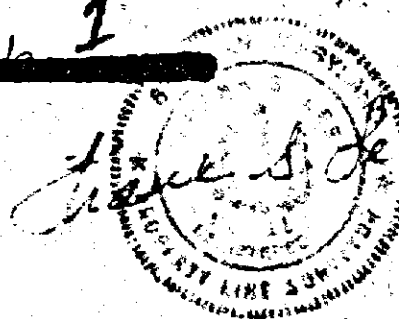
DATE 10-26-88  
11-25-88

OWNED

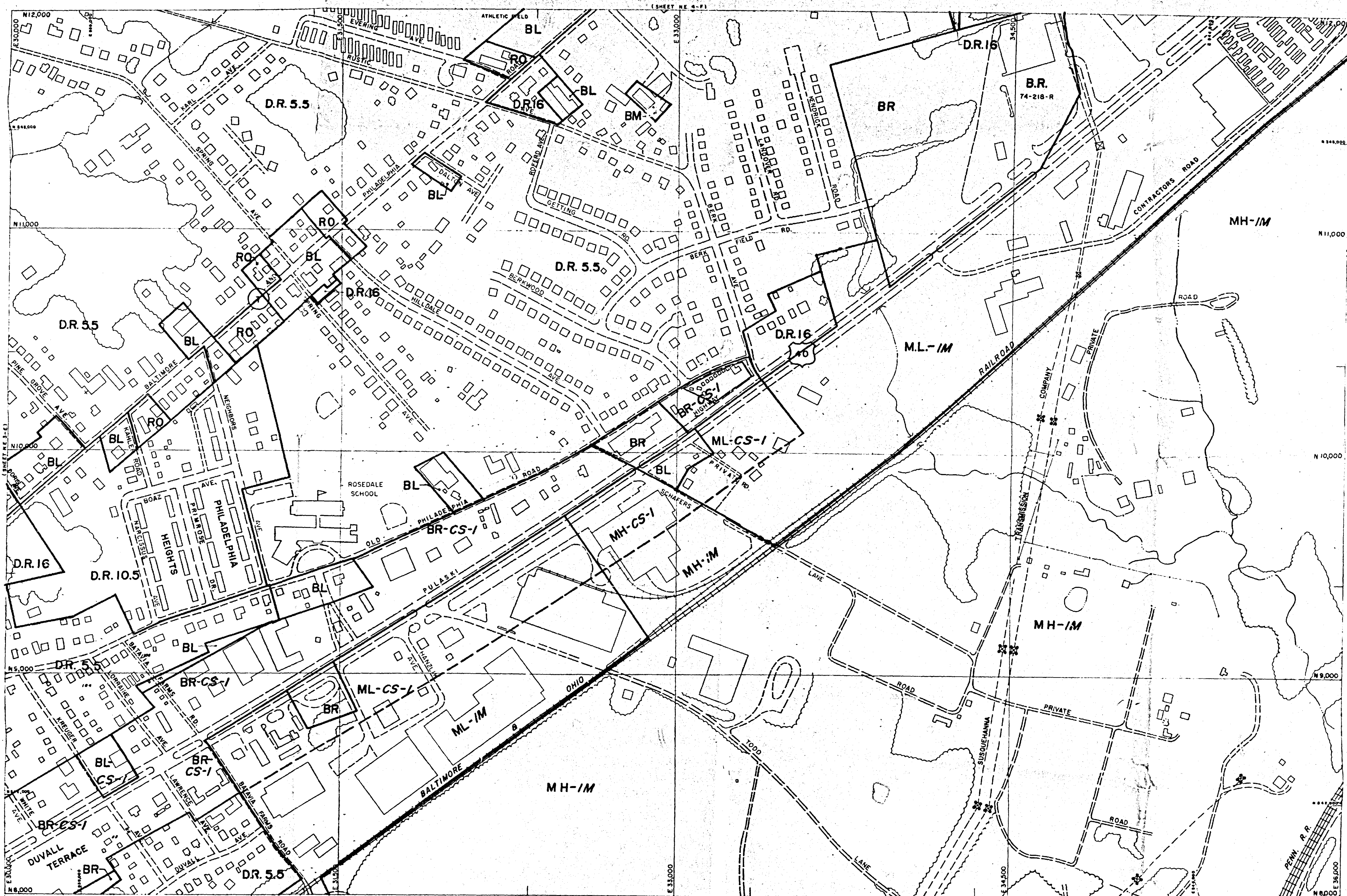
RODNEY W. - CAROLA DRESSLER  
5713 CYNTHIA TERRACE  
BALTO., MD 21206

**PETITIONERS**  
**EXHIBIT** 1  
#3

MICROFILMED



FRANK S. LEE  
1277 NORTON AVE.  
BALTIMORE, MD. 21207



J-SE I-SW  
J-NE I-NW

MICROFILMED

1988 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 13, 1988

BM Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

*Delbert T. Voss*  
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

#316

SCALE  
1" = 200' ±  
  
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
  
ROSEDALE

SHEET  
  
N.E.  
3-F